

REMARKS/ARGUMENTS

Prior to entry of this amendment, claims 1, 5-7, 9, 21, 22, and 25-28 were pending in this application. Claims 1, 6, 7, 9, 21, 26, 27, and 29 have been amended, claims 5, 22, 25, and 28 have been canceled, and claims 29 and 30 have been added herein. Therefore, claims 1, 6, 7, 9, 21, 26, 27, 29, and 30 are now pending. The Applicants respectfully request reconsideration of these claims for at least the reasons presented below.

Claim Objections

The Office Action has objected to claims 1 and 5-6 for a number of informalities. The Applicants thank the Examiner for his careful reading of the claims and finding the informalities. Accordingly and for the sake of expediency in moving this matter toward allowance, the Applicants have made amendments herein to address these objections and change formal matters as suggested by the Office Action. These amendments are thought to fully address the objections as outlined by the Office Action. Therefore, the Applicants respectfully request withdrawal of the objections.

35 U.S.C. § 112 Claim Rejections

The Office Action has rejected claims 1, 5-7, and 9 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Office Action rejects claim 1 alleging that the recitation of “from source device” is ambiguous as it is unclear if a reference is being made back to the phrase “a source device.” Applicants submit that amendments have been made herein that are thought to overcome the reasons for the rejection. Specifically, the terms upon which the reason for the rejection have been based have been deleted or amended herein. Therefore, the Applicants respectfully request reconsideration and

withdrawal of the rejections.. The Office Action has also rejected claims 5-7 and 9 due to their dependency on, and therefore inclusion of, the rejected subject matter of claim 1.

The Office Action has rejected claim 5 and 25 under 35 U.S.C. § 112, fourth paragraph, as allegedly being of improper dependent form for failing to further limit the subject matter of the claim upon which it depends. The Applicants respectfully note that claims 5 and 25 have been canceled herein, thereby rendering the rejection moot. For at least these reasons, the Applicants respectfully request withdrawal of the rejections.

35 U.S.C. § 102 Rejection, Garrigues

The Office Action rejected claims 1, 5-7, 9, 21, 22, and 25-28 under 35 U.S.C. § 102(a) as being anticipated by U. S. Patent Pub. No. 2003/0200267 of Garrigues (hereinafter “Garrigues”). The Applicants respectfully submit the following arguments pointing out significant differences between claims 1, 5-7, 9, 21, 22, and 25-28 submitted by the Applicants and Garrigues.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully argue that Garrigues fails to disclose each and every claimed element. For example, Garrigues fails to disclose, either expressly or inherently, handling an electronic mail message including an authorization indicator as recited in the pending claims.

More specifically, claim 1 recites in part:

sending from a source device a request for authorization to send an electronic mail message, the request identifying an address of the source of the request;

receiving at an e-mail authorization system from the source device the request for authorization to send the electronic mail message;

authorizing the request with the e-mail authorization system including generating an authorization indicator that includes the address of the source device sending said request for authorization;

sending a response to the request for authorization from the e-mail authorization system to the address of the source device, wherein the response to said request for authorization includes the authorization indicator;

receiving at the source device from the e-mail authorization system the authorization indication;

adding by the source device the received authorization indicator to an electronic mail message;

sending the electronic mail message with the added authorization indicator and an indication of the address of the source device from the source device to a destination device;

receiving the electronic mail message with the added authorization indicator and indication of the address of the source device from the source device at an intermediate mail agent for the destination device; and

handling receipt of said electronic mail message at the intermediate mail agent for the destination device, including comparing the indication of the address of the source device included in the received electronic mail message against the address of the source device sending said request for authorization from the authorization indicator received in the electronic mail message.

The other independent claims include similar, although not identical, recitations.

As an initial matter, the Applicants respectfully note that the Office Action fails to address all of the recitations of claim 1. For example, claim 1 is addressed on pages 4 and 5 of the Office Action. However, the comparison of claim 1 and Garrigues seems to stop abruptly after addressing the recitation of “sending the electronic mail message with the added authorization indicator and an indication of the address of the source device from the source device to a destination device.” Thus, the Office Action fails to address the recitations of “receiving the electronic mail message with the added authorization indicator and indication of the address of the source device from the source device at an intermediate mail agent for the destination device; and handling receipt of said electronic mail message at the intermediate mail agent for the destination device.

Furthermore, the Applicants respectfully contend that Garrigues fails to disclose such recitations or handling receipt of said electronic mail message at the intermediate mail agent for the destination device, including comparing the indication of the address of the source device included in the received electronic mail message against the address of the source device sending said request for authorization from the authorization indicator received in the electronic mail message. Garrigues is directed to “controlling unsolicited email.” (paragraph 2) Under Garrigues:

“An email system for controlling unsolicited email may include a server to manage email messages. The server may be configured to receive an email message from a sender. The email message may include a destination address of an email client and may include a code. If the included code is not a valid authorization code, the email server may not provide the email message to the email client. A request code for requesting an authorization code may be provided to the sender. If the email server receives an email message including the request code from the email sender, the email server may provide a portion of the email message to the email client for determining whether or not to provide an authorization code to the email sender.” (Abstract)

However, Garrigues does not disclose, expressly or inherently, handling an electronic mail message including an authorization indicator as recited in the pending claims. For example, Garrigues does not teach or suggest “handling receipt of said electronic mail message at the intermediate mail agent for the destination device, including comparing the indication of the address of the source device included in the received electronic mail message against the address of the source device sending said request for authorization from the authorization indicator received in the electronic mail message” as recited in claim 1. Rather, Garrigues describes parsing a received address to identify a code appended to the destination address, looking up in a database a stored code for that address, and determining if the email is valid based thereon, i.e., by comparing the code appended to the destination email address and the code stored in the database for that address. The Applicants respectfully contend that this is significantly different from comparing a senders address to a address identified by an

Appl. No. 10/698,813
Amdt. dated September 27, 2011
Reply to Office Action of July 27, 2011
Amendment under 37 CFR 1.116 Expedited Procedure
- Examining Group 2448

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authorization indicator included with the email, i.e., to be sure that the address sending the email is the same as the one that was authorized and to which the authorization indicator was sent/returned. For at least these reasons, the Applicants respectfully request withdrawal of the rejection.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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